

## REMARKS

## 1. Election/Restrictions:

- 5 (1) Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-8, drawn to semiconductor integrated circuit device, classified in class 257, subclass 301.
  - II. Claims 9-18, drawn to a method of forming integrated circuit device, classified in class 438, subclass 100+.
- 10 The inventions are distinct, each from the other because of the following reasons:
- (2) Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f)). In the instant case the product as claimed can be made by another materially different process, for example in claim 9, depositing a photoresist layer in the recess region and etching the substrate until the height of the substrate reaches below the collar oxide layer using the resist layer as a mask instead of forming a photoresist layer on the dielectric layer, the photoresist having an opening that defines a shallow trench; etching the dielectric layer, the mask layer, and the pad layer through the opening until the substrate is exposed, and etching the substrate by taking the residual mask layer as a hard mask until a surface of the exposed substrate is lower than a top of the collar oxide layer, wherein the conductive layer and the collar oxide layer remain intact.
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- 30 (3) Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

(4) Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (337 CFR 1.143).

5 Response:

The Applicants have consequently amended the claims in the above AMENDMENTS TO THE CLAIMS section to elect the Species I. Claims 1-8, drawn to a semiconductor integrated circuit device, are elected as the subject matter to be examined in the present application. Claims 9-18 are non-elected and therefore 10 withdrawn. Reconsideration of the elected claims 1-8 is therefore politely requested.

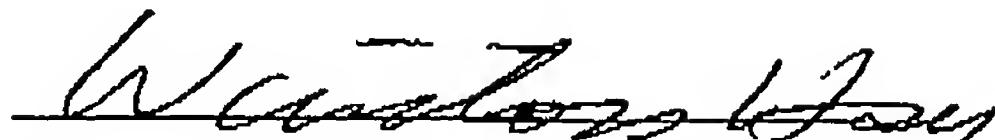
2. Inventorship:

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if 15 one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

20 Response:

Inventors of the elected invention are not changed.

Sincerely yours,



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